

REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER  
RESOURCES SYSTEM MAP FOR CEDAR KEYS UNIT P25/  
P25P

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SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3056]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3056) to clarify the boundaries of the John H. Chafee Coastal Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. REPLACEMENT OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES  
SYSTEM MAP.**

(a) **IN GENERAL.**—Of the 2 maps subtitled “P25/P25P” that relate to the John H. Chafee Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Cedar Keys Unit P25/P25P and are included in the set of maps entitled “Coastal Barrier Resources System” referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), the map depicting the northernmost area of that unit is hereby replaced by another map relating to that unit entitled “John H. Chafee Coastal Barrier Resources System Cedar Keys Unit P25/P25P” and dated February 9, 2004.

(b) **AVAILABILITY.**—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

**PURPOSE OF THE BILL**

The purpose of H.R. 3056 is to clarify the boundaries of the John H. Chafee Coastal Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

## BACKGROUND AND NEED FOR LEGISLATION

Coastal barriers are natural landscape features that protect the mainland, lagoons, wetlands and salt marshes from the full force of wind, wave and tidal energy. Major types of coastal barriers include fringing mangroves, barrier islands and bay barriers. Composed of sand and other loose sediments, these elongated, narrow land forms are dynamic ecosystems and prone to frequent disruption by storms. Coastal barrier systems provide habitat for wildlife, and are an important recreational resource. Despite their vulnerability to hurricane damage, these areas are attractive places to locate private homes and resorts.

In 1981, the Omnibus Budget Reconciliation Act amended the National Flood Insurance Act of 1968 to prohibit the issuance of new Federal flood insurance after October 1, 1983, for "any new construction or for substantial improvements of structures located on undeveloped coastal barriers." This law directed the Secretary of the Interior to designate coastal barriers under the definition contained in the Act and make recommendations to Congress on additional areas for inclusion in the system.

In August 1982, the Secretary of the Interior submitted to Congress recommendations for definitions and a list of 188 units for designation as undeveloped coastal barriers. The report used a density threshold of one structure per five acres to categorize a barrier as undeveloped. The Secretary also defined "structure" to mean a legally constructed building larger than 200 square feet in area, regardless of the number or size of housing units it contains. Only areas with greater than  $\frac{1}{4}$  mile of beachfront were included in the System. However, the  $\frac{1}{4}$  mile minimum may be a combination of beachfront contained in the System units and adjacent, otherwise protected areas.

The Coastal Barrier Resources System was established by the Coastal Barrier Resources Act (CBRA) of 1982 and was expanded with the Coastal Barrier Improvement Act of 1990. The Act is designed to eliminate or limit federal development incentives on undeveloped coastal barriers, to prevent the loss of human life and property from storms, minimize Federal expenditures and protect habitat for fish and wildlife.

Inclusion of property in the System does not prevent private development nor does it prevent actions to process and issue Federal permits necessary for development. However, it does restrict the availability of new Federal financial assistance to develop property within the System. No new Federal flood insurance can be issued for properties located in System units but existing flood insurance policies for property currently within the System remain in place. However, if the property is damaged, it cannot be rebuilt with Federal flood insurance if the cost of rebuilding is more than 50 percent of the value of the property. Other forms of Federal assistance that are restricted include disaster relief, community block grants, flood control, construction of new Federal highways, construction of new infrastructure and beach stabilization or erosion projects.

CBRA System units are delineated on maps referenced in law and maintained by the Fish and Wildlife Service. These units encompass areas that were undeveloped (defined as having low densities of structures per acre and negligible infrastructure) when the

units were made part of the System. In 1990, otherwise protected areas (OPAs) were also included in the System. These are public lands already held for conservation purposes such as wildlife refuges, national parks, military lands and seashores. They are also delineated on maps using rudimentary mapping tools based upon pre-existing boundary data. As a result of technological advancements in geographic information systems, databases and digital mapping techniques, it is clear that OPA boundaries do not coincide with the actual conservation land boundaries. Since 1990, Congress has corrected inaccurate boundaries in a number of coastal states.

H.R. 3056 would revise the Cedar Key Unit (P25) in Florida to replace one map that inaccurately includes private property within the Coastal Barrier Unit. This land was recently identified by the Fish and Wildlife Service when the area was remapped using modern digitized technology. These homeowners were originally advised a number of years ago that their property was not included within the Coastal Barrier Resources System and based on that assertion, they obtained Federal flood insurance to protect their property. However, upon the completion of the new map, several homeowners have now been advised that their land is contained within P25 and that they are not no longer eligible for Federal flood insurance. According to the Fish and Wildlife Service, "after review of the Administrative Record, the Service believes the lots are inadvertently included in P-25 due to inaccuracies in the original base map." A total of 35 acres of fastland would be removed from the system. However, 40.6 acres of wetlands and open water would be added to the system unit. This legislation is necessary because only Congress can make any boundary adjustments within the Coastal Barrier Resources System.

#### COMMITTEE ACTION

H.R. 3056 was introduced on September 10, 2003, by Congresswoman Ginny Brown-Waite (R-FL). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On September 25, 2003, the Subcommittee held a hearing on the bill. On July 14, 2004, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute that correctly references the revised map date of February 9, 2004, and ensures that the map will be on file and available for public inspection. It was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. The Congressional Budget Office (CBO) estimates that H.R. 3056 would increase premium collections into the national flood insurance fund by less than \$100,000 annually. Collecting would be partially offset each year by new mandatory spending for underwriting and administrative expenses. CBO concludes that enacting the bill would have no significant impact on the federal budget. The bill could affect direct spending but the net changes would be negligible.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 27, 2004.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3056, a bill to clarify the boundaries of the John H. Chafee Coastal Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

ELIZABETH ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 3056—A bill to clarify the boundaries of the John H. Chafee Coastal Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P*

CBO estimates that enacting H.R. 3056 would have no significant impact on the federal budget. The bill could affect direct spending, but we expect that net changes would be negligible. H.R. 3056 would not affect revenues. H.R. 3056 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 3056 would modify the boundaries of the Cedar Keys Unit (in Florida) of the Coastal Barriers Resource System to exclude three lots on 32 acres of private land that was erroneously included in the unit. This change would enable the owners of those properties to retain federal flood insurance, which they otherwise would lose. Hence, CBO estimates that, relative to current law, H.R. 3056 would increase premium collections into the national flood insurance fund by less than \$100,000 annually. Collections would be partially offset each year by new mandatory spending for underwriting and administrative expenses. The federal government may also incur additional costs for losses associated with any future floods that might affect those properties, but CBO has no basis for predicting such events.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

